DOCKET NO.:11157SSUS04C (NORT10-00349) **PATENT**
Customer No.: 33000

In re application of	:	K. Scott Ramey, et al
U.S. Serial No.	:	10/662,603
Filed	:	September 15, 2003
For	:	METHOD, APPARATUS, AND ARTICLE OF MANUFACTURE FOR WEB-BASED CONTROL OF A CALL SERVER
Group No.	:	2194
Examiner	:	Charles E. Anya
Confirmation No.	:	2370

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APPEAL BRIEF UNDER 37 C.F.R. § 41.37

This Appeal Brief under 37 C.F.R. § 41.37 ("Appeal Brief") is in furtherance of Appellant's Notice of Appeal and Pre-Appeal Brief Request for Review filed on August 2, 2010. Please charge $540.00 for the Appeal Brief filing fee to Nortel Networks Deposit Account No. 14-1315. No further additional fees are believed to be necessary; however, in the event that any fees are required for the prosecution of this application, please charge any necessary fees to Nortel Networks Deposit Account No. 14-1315.

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REAL PARTY IN INTEREST

The real party in interest is the assignee of this application, NORTEL NETWORKS LIMITED, a corporation having a place of business at 5945 Airport Road, Suite 360, Mississauga, Ontario, Canada L4V 1R9. The Assignment from the inventors to NORTEL NETWORKS LIMITED was recorded in the Patent and Trademark Office on February 11, 2000, at Reel 011071, Frame 0722.

RELATED APPEALS OR INTERFERENCES

There are no known appeals or interferences that will directly affect, be directly affected by, or have a bearing on the Board's decision in this pending appeal.

STATUS OF CLAIMS

Claims 35, 37-40, 42-45, 47-50, 52-57 and 59-64 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Szlam (U.S. Patent No. 6,359,892) in view of Echols (U.S. Patent No. 6,430,175). Claim 58 stands rejected under 35 U.S.C. § 103(a) over Szlam and Echols and further in view of Baker (U.S. Patent No. 6,611,498). Claims 35, 37-40, 42-45, 47-50 and 52-64 are presented for appeal. A complete and current listing of Claims 35, 37-40, 42-45, 47-50 and 52-64 is included in Appendix A.

STATUS OF AMENDMENTS

No amendments were submitted and refused entry after the Office Action dated February 2, 2010 (Final Office Action).

SUMMARY OF CLAIMED SUBJECT MATTER

The following summary refers to disclosed embodiments and their advantages but does not delimit any of the claimed inventions.

General Summary

The present application relates to systems and methods for enabling communication between a web application and a call server. The web application may be implemented in any of a variety of locations such as, for example, on a PC with a user interface or on a server. Among other things, certain embodiments provide a channel over which the call server communicates with an IP network and the web application. The communications may include call server control commands, such as call control commands for controlling telephone calls or service control commands for controlling telephone services. In certain embodiments the call control commands may be reduced to a small set of primitives based on the type of call. The data communicated to the call server from the web application may be converted into a native call server protocol, and the data communicated to the web application may be converted into a native web application protocol.

Support for Independent Claims

Note that, per 37 C.F.R. § 41.37, only the independent claims are discussed in this section, as well as any claims including means-plus-function language that are argued separately below. In the arguments below, however, various dependent claims may also be discussed and distinguished from the prior art. The discussion of the claims is for illustrative purposes and is not intended to affect the scope of the claims.

Independent Claim 35 recites a method performed by a wrapper for enabling a web application to communicate with a call server system. The method comprises providing a communication channel between the web application and the call server system.[1] The call server system includes a private branch exchange (PBX) and a call server for controlling telephony calls and telephony services.[2] The web application is accessed from a web server.[3] The method further comprises translating web application commands transferred from the web application to the call server system from a web application format into a call server system format.[4] Translating web application commands further comprises translating a call control command.[5]

Independent Claim 40 recites a wrapper apparatus for enabling a web application to communicate with a call server system. The apparatus comprises means for providing a communication channel between the web application and the call server system.[6] The call server system includes a private branch exchange (PBX) and a call server for controlling telephony calls and telephony services.[7] The web application is accessed from a web server.[8] The apparatus further comprises means for translating web application commands transferred from the web application to the call server system from a web application format into a call server system format.[9] The means for translating web application commands further comprises means

1 See Specification, page 6, lines 9-20; page 7, lines 10-14.
2 See Specification, page 6, lines 1-8.
3 See Specification, page 6, line 18 through page 7, line 14; page 13, line 10 through page 14, line 11.
4 See Specification, page 7, line 18 through page 9, line 6.
5 See Specification, page 9, line 16, through page 10, line 2.
6 See Specification, page 6, lines 9-20; page 7, lines 10-14.
7 See Specification, page 6, lines 1-8.
8 See Specification, page 6, line 18 through page 7, line 14; page 13, line 10 through page 14, line 11.
9 See Specification, page 7, line 18 through page 9, line 6.

for translating a call control command.[10]

Regarding the "means for providing a communication channel between the web application and the call server system" recited in Claim 40, the structure, material or acts providing the relevant function includes, without limitation, the "wrapper 122" identified and described throughout the specification. The wrapper is described, for example, as an element executing on a web server 120. See Figure 1; see also Specification page 6, line 18 through page 13, line 9. The wrapper may be embodied in hardware and/or software to provide the functionality described in the specification and recited in the claim.

Regarding the "means for translating web application commands transferred from the web application to the call server system from a web application format into a call server system format" and "means for translating a call control command" recited in Claim 40, the structure, material or acts providing the relevant functions include, without limitation, the wrapper identified and described above in the preceding paragraph.

Independent Claim 45 recites a computer program product comprising a computer usable medium having computer readable code embodied therein for enabling a web application to communicate with a call server system. The product comprises computer readable code for causing a computer to provide a communication channel between the web application and the call server system.[11] The call server system including a private branch exchange (PBX) and a call server for controlling telephony calls and telephony services.[12] The web application is

10 See Specification, page 9, line 16, through page 10, line 2.
11 See Specification, page 6, lines 9-20; page 7, lines 10-14.
12 See Specification, page 6, lines 1-8.

accessed from a web server.[13] The product further comprises computer readable code for causing a computer to translate web application commands transferred from the web application to the call server system from a web application format into a call server system format.[14] The computer readable code for causing a computer to translate web application commands further comprises computer readable code for causing a computer to translate a call control command.[15]

Independent Claim 50 recites a wrapper apparatus for enabling a web application to communicate with a call server system.

The wrapper apparatus comprises a digital computer containing a communications circuit for providing a communication channel between the web application and the call server system.[16] The call server system includes a private branch exchange (PBX) and a call server for controlling telephony calls and telephony services.[17] The web application is accessed from a web server.[18] The wrapper apparatus further comprises a circuit for translating web application commands transferred from the web application to the call server system from a web application format into a call server system format.[19] The circuit for translating web application commands further comprises a circuit for translating a call control command.[20]

Independent Claims 55 recites a system for web-based control of call server functions.

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13 See Specification, page 6, line 18 through page 7, line 14; page 13, line 10 through page 14, line 11.
14 See Specification, page 7, line 18 through page 9, line 6.
15 See Specification, page 9, line 16, through page 10, line 2.
16 See Specification, page 6, lines 9-20; page 7, lines 10-14.
17 See Specification, page 6, lines 1-8.
18 See Specification, page 6, line 18 through page 7, line 14; page 13, line 10 through page 14, line 11.
19 See Specification, page 7, line 18 through page 9, line 6.
20 See Specification, page 9, line 16, through page 10, line 2.

The system comprises a call server system.[21] The call server system comprises a private branch exchange (PBX) and a call server for controlling telephony calls and telephony services.[22] The system further comprises a web application accessed from a web server.[23] The system further comprises a user interface for directing the web application.[24] The system further comprises a wrapper for providing a communication channel between the web application and the call server system and for translating web application commands transferred from the web application to the call server system from a web application format into a call server system format, wherein the web application commands comprise a call control command.[25]

21 See Specification, page 6, lines 9-20; page 7, lines 10-14.
22 See Specification, page 6, lines 1-8.
23 See Specification, page 6, line 18 through page 7, line 14; page 13, line 10 through page 14, line 11.
24 See Specification, page 9, line 7 through page 12, line 16.
25 See Specification, page 7, line 18 through page 9, line 6.

GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

1. Claims 35, 37-40, 42-45, 47-50, 52-57 and 59-64 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Szlam (US Patent No. 6,359,892) in view of Echols (US Patent No. 6,430,175).

2. Claim 58 stands rejected under 35 U.S.C. § 103(a) over Szlam and Echols and further in view of Baker (US Patent No. 6,611,498).

ARGUMENTS

Grouping of Claims

The claims on appeal do not stand or fall together, as may be seen from the arguments set forth herein. Each claim or group of claims that has been argued separately under a separate subheading should be considered separately. While the Appellant recognizes that a formal statement regarding the grouping of claims is no longer required, each claim should be considered separately, or at the very least each claim that is argued separately herein should be considered separately.

Legal Standards

Rejections under 35 U.S.C. §102

MPEP § 2131 specifies that:

> "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "When a claim covers several structures or compositions, either generically or as alternatives, the claim is deemed anticipated if any of the structures or compositions within the scope of the claim is known in the prior art." *Brown v. 3M*, 265 F.3d 1349, 1351, 60 USPQ2d 1375, 1376 (Fed. Cir. 2001) (claim to a system for setting a computer clock to an offset time to address the Year 2000 (Y2K) problem, applicable to records with year date data in "at least one of two-digit, three-digit, or four-digit" representations, was held anticipated by a system that offsets year dates in only two-digit formats). See also MPEP § **2131.02**. "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim, but this is not an *ipsissimis verbis* test, i.e., identity of terminology is not required. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed.

> Cir. 1990). Note that, in some circumstances, it is permissible to use multiple references in a **35 U.S.C. 102** rejection. See **MPEP § 2131.01**.

Under 35 U.S.C. § 102(e), MPEP § 2131.01, the Examiner may combine another reference, which further explains that:

> Normally, only one reference should be used in making a rejection under 35 U.S.C. 102. However, a 35 U.S.C. 102 rejection over multiple references has been held to be proper when the extra references are cited to:
> (A) Prove the primary reference contains an "enabled disclosure;"
> (B) Explain the meaning of a term used in the primary reference; or
> (C) Show that a characteristic not disclosed in the reference is inherent.

In order to meet the second criterion for introducing additional references, MPEP § 2131.01 II specifies that:

> Extrinsic evidence may be used to explain but not expand the meaning of terms and phrases used in the reference relied upon as anticipatory of the claimed subject matter.

In order to meet the third criterion for introducing additional references, MPEP § 2131.01 III specifies that

> "To serve as an anticipation when the reference is silent about the asserted inherent characteristic, such gap in the reference may be filled with recourse to extrinsic evidence. Such evidence must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill." *Continental Can Co. USA v. Monsanto Co.*, 948 F.2d 1264, 1268, 20 USPQ2d 1746, 1749 (Fed.Cir. 1991).

Regarding obviousness under under 35 U.S.C. § 103, MPEP § 2141 states:

> An invention that would have been obvious to a person of ordinary skill at the time of the invention is not patentable. See 35 U.S.C. 103(a). As reiterated by the Supreme Court in *KSR*, the framework for the objective analysis for determining obviousness under 35 U.S.C. 103 is stated in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966). Obviousness is a question of law based on underlying factual inquiries. The factual inquiries enunciated by the Court are as follows:

(A) Ascertaining the differences between the claimed invention and the prior art (sic; determining the scope and content of the prior art); and

(B) Ascertaining the differences between the claimed invention and the prior art; and

(C) Resolving the level of ordinary skill in the pertinent art.

Objective evidence relevant to the issue of obviousness must be evaluated by Office personnel. *Id.* at 17-18, 148 USPQ at 467. Such evidence, sometimes referred to as "secondary considerations," may include evidence of commercial success, long-felt but unsolved needs, failure of others, and unexpected results. The evidence may be included in the specification as filed, accompany the application on filing, or be provided in a timely manner at some other point during the prosecution. The weight to be given any objective evidence is made on a case-by-case basis. The mere fact that an applicant has presented evidence does not mean that the evidence is dispositive of the issue of obviousness.

The question of obviousness must be resolved on the basis of these factual determinations. While each case is different and must be decided on its own facts, the *Graham* factors, including secondary considerations when present, are the controlling inquiries in any obviousness analysis. The *Graham* factors were reaffirmed and relied upon by the Supreme Court in its consideration and determination of obviousness in the fact situation presented in *KSR*, 550 U.S. at ___, 82 USPQ2d at 1391 (2007). The Supreme Court has utilized the *Graham* factors in each of its obviousness decisions since *Graham*. See *Sakraida v. Ag Pro, Inc.*, 425 U.S. 273, 189 USPQ 449, *reh'g denied*, 426 U.S. 955 (1976); *Dann v. Johnston*, 425 U.S. 219, 189 USPQ 257 (1976); and *Anderson's-Black Rock, Inc. v. Pavement Salvage Co.*, 396 U.S. 57, 163 USPQ 673 (1969). As stated by the Supreme Court in *KSR*, "While the sequence of these questions might be reordered in any particular case, the [*Graham*] factors continue to define the inquiry that controls."*KSR*, 550 U.S. at ___, 82 USPQ2d at 1391.

In *ex parte* examination of patent applications, the Patent Office bears the burden of establishing a *prima facie* case of obviousness. MPEP § 2142; *In re Fritch*, 972 F.2d 1260, 1262, 23 U.S.P.Q.2d 1780, 1783 (Fed. Cir. 1992). The initial burden of establishing a *prima facie* basis to deny patentability to a claimed invention is always upon the Patent Office. MPEP

§ 2142; *In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992); *In re Piasecki*, 745 F.2d 1468, 1472, 223 U.S.P.Q. 785, 788 (Fed. Cir. 1984). Only when a *prima facie* case of obviousness is established does the burden shift to the applicant to produce evidence of nonobviousness. MPEP § 2142; *In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992); *In re Rijckaert*, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993). If the Patent Office does not produce a *prima facie* case of unpatentability, then without more the applicant is entitled to grant of a patent. *In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992); *In re Grabiak*, 769 F.2d 729, 733, 226 U.S.P.Q. 870, 873 (Fed. Cir. 1985).

The failure of an asserted combination to teach or suggest each and every feature of a claim remains fatal to an obviousness rejection under 35 U.S.C. § 103. Section 2143.03 of the MPEP requires the "consideration" of every claim feature in an obviousness determination. To render a claim unpatentable under obviousness grounds, however, the Patent Office must do more than merely "consider" each and every feature for this claim. Instead, the asserted combination of prior art references must also teach or suggest *each and every claim feature*. *See In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974) (emphasis added) (to establish *prima facie* obviousness of a claimed invention, all the claim features must be taught or suggested by the prior art). Indeed, as the Board of Patent Appeal and Interferences has confirmed, a proper obviousness determination requires that an Examiner make "a searching comparison of the claimed invention – *including all its limitations* – with the teaching of the prior art." *See In re Wada and Murphy*, Appeal 2007-3733, *citing In re Ochiai*, 71 F.3d 1565, 1572 (Fed. Cir. 1995)

(emphasis in original). Further, the necessary presence of all claim features is axiomatic, since the Supreme Court has long held that obviousness is a question of law based on underlying factual inquiries, including ... ascertaining the differences between *the claimed invention* and the prior art. *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966) (emphasis added). Indeed, this is why Section 904 of the MPEP instructs Examiners to conduct an art search that covers "the invention *as described and claimed.*" (emphasis added). Lastly, the instructions in MPEP § 2143 buttress the conclusion that obviousness requires at least a suggestion of all of the features of a claim, since the Supreme Court in *KSR Int'l v. Teleflex Inc.* stated that "there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." *KSR Int'l v. Teleflex Inc.*, 127 S. Ct. 1727, 1741 (2007) (*quoting In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006). In sum, it remains well-settled law that obviousness requires at least a suggestion of all of the features in a claim. *See In re Wada and Murphy, citing CFMT, Inc. v. Yieldup Intern. Corp.*, 349 F.3d 1333, 1342 (Fed. Cir. 2003) and *In re Royka*, 490 F.2d 981, 985 (CCPA 1974)).

Ground of Rejection #1

Claims 35, 37-40, 42-45, 47-50, 52-57 and 59-64 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Szlam (US Patent No. 6,359,892) in view of Echols (US Patent No. 6,430,175).

Ground of Rejection #2

Claim 58 stands rejected under 35 U.S.C. § 103(a) over Szlam and Echols and further in view of Baker (US Patent No. 6,611,498).

The Pending Claims are Patentable Over the Cited Art

Regarding Claim 35, for example, the Final Office Action conceded that Szlam fails to disclose or describe "providing a communication channel between the web application and the call server system and the web application accessed from a web server." See, Final Office Action, page 3. The Final Office Action identified a multimedia application or browser application executing on the computer 221 or a web browser in the laptop (remote communications) device 10 as equivalent to Applicant's "web application." Final Office Action, page 2. Despite this, the Examiner argued that the controller 225 translates commands from the web application to the call server system from a web application format into a call server system format (citing controller 225, col. 9, lines 46-60, col. 12, lines 45-57). Thus, it is not clear what component in Szlam the Examiner deems equivalent to the "wrapper" that performs the method of independent Claim 35 – as Szlam's multimedia or browsing application or web browser is not described as being both the web application and the wrapper (performing translations). From this, Applicants submit that the Examiner has not established a prima facie case that the elements identified are equivalent to the elements recited in the claims.

Even assuming the Final Office Action is accurate in its asserted interpretation of the scope of Szlam (which Applicants respectfully submit is incorrect), the Examiner next argued that Echols teaches "providing a communication channel between the web application and the call server system" with "the web application accessed from a web server." Final Office Action, page 3. Assuming the Examiner is equating Echols telephone switch 10 as Applicants' recited call server system, Applicants respectfully submit the "operator work station 11" (or the BRI

interface) connected to the switch is not a "web application." It appears the Examiner asserted that the operator work station 11, which is coupled between the telephone switch 10 and web server 21, provides a communication channel between a web application on the web server 21 and the telephone switch 10. While there exist communications between the web server 21 and the work station 11, and between the work station 11 and the web server 21, there is not a web application at the web server 21 that provides web application commands to the work station 11, where they are translated by the work station 11 into a caller server system format. Echols teaches that number dialed or other number information is received and displayed at the operator station 11 through either the BRI connection (from switch 10) or through the intranet connection (from web server 21), the human operator initiates a request to web server 21, receives a form from web server 21, fills out the form with information about the caller, sends the form to web server 21, and receives information back which tells the human operator how the call is to be processed. Echols, Col. 2, lines 58 thru Col. 3, lines 23.

Combining Szlam with a reference that merely discloses some communications between three network devices provides no suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. First, Echols does not relate to call control commands for a call server in a PBX. Second, there is no translation of call control commands sent from the web application accessed by the web server 21 (whatever that web application may be) to the switch 10. Third, the two cited references, even if combined, do not teach or suggest all the claim limitations (as noted by the foregoing, and as noted in the arguments with respect to Szlam, see

above). Therefore, the proposed combination of Szlam and Echols fails to disclose, teach or suggest all elements recited in independent Claim 35.

The Examiner used the same or similar reasoning to reject the other independent Claims. Thus, the Applicants' arguments outlined above apply equally to the rejection of the other independent claims. Moreover, any dependent claims are likewise patentable over the cited art as they depend from patentable independent claims. Accordingly, Applicant respectfully requests the Examiner withdraw the § 103(a) rejections of Claims 35, 37-40, 42-45, 47-50, 52-57 and 59-64. For the same reasons, the rejection of Claim 58 should also be withdrawn.

Conclusion

Applicants respectfully submit that the cited references are improper for reasons detailed above and requests that the rejections under § 103 be withdrawn, and that all pending claims be allowed.

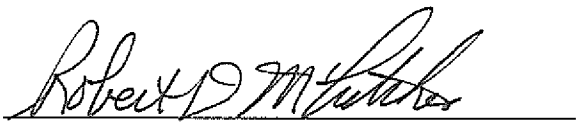
REQUESTED RELIEF

The Board is respectfully requested to reverse the outstanding rejections and return this application to the Examiner for allowance.

Respectfully submitted,

MUNCK CARTER, LLP

Date: 12/30/2010



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APPENDIX A -

CLAIMS APPENDIX

1-34. Cancelled

35. A method performed by a wrapper for enabling a web application to communicate with a call server system, comprising:

providing a communication channel between the web application and the call server system, the call server system including a private branch exchange (PBX) and a call server for controlling telephony calls and telephony services, the web application accessed from a web server; and

translating web application commands transferred from the web application to the call server system from a web application format into a call server system format, wherein the translating web application commands further comprises translating a call control command.

36. (Canceled).

37. (Previously Presented) The method of claim 35 wherein the translating a call control command further comprises translating a conference call control command.

38. (Previously Presented) The method of claim 35 wherein the translating web application commands further comprises translating a service control command.

39. (Previously Presented) The method of claim 35 further comprising translating call server commands transferred from the call server system to the web application from the call server system format into the web application format.

40. (Previously Presented) A wrapper apparatus for enabling a web application to communicate with a call server system comprising:

means for providing a communication channel between the web application and the call server system, the call server system including a private branch exchange (PBX) and a call server for controlling telephony calls and telephony services, the web application accessed from a web server; and

means for translating web application commands transferred from the web application to the call server system from a web application format into a call server system format, wherein the means for translating web application commands further comprises means for translating a call control command.

41. (Canceled).

42. (Previously Presented) The apparatus of claim 40 wherein the means for translating a call control command further comprises:

means for translating a conference call control command.

43. (Previously Presented) The apparatus of claim 40 wherein the means for translating web application commands data further comprises:

means for translating a service control command.

44. (Previously Presented) The apparatus of claim 40 further comprising:

means for translating call server commands transferred from the call server system to the web application from the call server system format into the web application format.

45. (Previously Presented) A computer program product comprising a computer usable medium having computer readable code embodied therein for enabling a web application to communicate with a call server system, comprising:

computer readable code for causing a computer to provide a communication channel between the web application and the call server system, the call server system including a private branch exchange (PBX) and a call server for controlling telephony calls and telephony services, the web application accessed from a web server; and

computer readable code for causing a computer to translate web application commands transferred from the web application to the call server system from a web application format into a call server system format, wherein the computer readable code for causing a computer to translate web application commands further comprises computer readable code for causing a computer to translate a call control command.

46. (Canceled).

47. (Previously Presented) The computer program product of claim 45 wherein the computer readable code for causing a computer to translate a call control command further comprises:

computer readable code for causing a computer to translate a conference call control command.

48. (Previously Presented) The computer program product of claim 45 wherein the computer readable code for causing a computer to translate web application commands further comprises:

computer readable code for causing a computer to translate a service control command.

49. (Previously Presented) The computer program product of claim 45 further comprising:

computer readable media for causing a computer to translate call server commands transferred from the call server system to the web application from the call server system format

into the web application format.

50. (Previously Presented) A wrapper apparatus for enabling a web application to communicate with a call server system, the wrapper apparatus comprising:

a digital computer containing a communications circuit for providing a communication channel between the web application and the call server system, the call server system including a private branch exchange (PBX) and a call server for controlling telephony calls and telephony services, the web application accessed from a web server; and

a circuit for translating web application commands transferred from the web application to the call server system from a web application format into a call server system format, wherein the circuit for translating web application commands further comprises a circuit for translating a call control command.

51. (Canceled).

52. (Previously Presented) The apparatus of claim 50 wherein the circuit for translating a call control command further comprises:

a circuit for translating a conference call control command.

53. (Previously Presented) The apparatus of claim 50 wherein the circuit for translating web application commands further comprises:

a circuit for translating a service control command.

54. (Previously Presented) The apparatus of claim 50 further comprising

a circuit for translating call server commands transferred from the call server system to the web application from the call server system format into the web application format.

55. (Previously Presented) A system for web-based control of call server functions comprising:

a call server system, the call server system comprising a private branch exchange (PBX) and a call server for controlling telephony calls and telephony services;

a web application accessed from a web server;

a user interface for directing the web application; and

a wrapper for providing a communication channel between the web application and the call server system and for translating web application commands transferred from the web application to the call server system from a web application format into a call server system format, wherein the web application commands comprise a call control command.

56. (Previously Presented) The system of claim 55 further comprising:

a web server for providing the web application to the user interface.

57. (Previously Presented) The system of claim 56 wherein the web application comprises:

an interactive web page from the web server.

58. (Previously Presented) The system of claim 56 wherein the web server comprises:

the wrapper.

59. (Previously Presented) The system of claim 55 wherein the user interface comprises:

a personal computer with a web browser.

60. (Previously Presented) The system of claim 55 wherein the call server system further comprises:

the wrapper.

61. (Previously Presented) The system of claim 55 wherein the call server system further comprises:

a computer telephony interface for communicating with the call server.

62. (Previously Presented) The system of claim 55 wherein the call server system further comprises:

a computer telephony interface server comprising a computer telephony interface.

63. (Previously Presented) The system of claim 62 wherein the computer telephony interface server comprises:

the wrapper.

64. (Previously Presented) The method of claim 35 wherein the call control command comprises a combination of call control command primitives.

APPENDIX B -

Evidence Appendix

A. U.S. Patent No. 6,359,892 to Szlam et al. ("Szlam") found on page 2 of the Final Office Action (dated February 2, 2010).

B. U.S. Patent No. 6,430,175 to Echols et al. ("Echols") found on page 2 of the Final Office Action (dated February 2, 2010).

C. U.S. Patent No. 6,611,498 to Baker et al. ("Baker") found on page 2 of the Final Office Action (dated February 2, 2010).

APPENDIX C -
Related Proceedings Appendix

Not Applicable -- To the best knowledge and belief of the undersigned attorney, there are none.